



FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF GENERAL COUNSEL

**memorandum**

TO: Director, Reference Information Center  
Chief, Wireless Telecommunications Bureau

FROM: *DMA* Daniel M. Armstrong  
Associate General Counsel

SUBJECT: *DIRECTV, Inc. v. FCC & USA*, No. 02-1234 and *EchoStar Satellite Corporation v. FCC & USA*, No. 02-1235. Filing of two Petitions for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: July 24, 2002

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This is to advise you that, on July 18, and July 19, 2002, respectively, DIRECTV, Inc. ("DIRECTV") and EchoStar Satellite Corporation ("EchoStar") filed a Petition for Review, pursuant to 47 U.S.C. § 402(a), of the following orders: *Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range, et al.*, ET Docket No. 98-206, *First Report and Order and Further Notice of Proposed Rule Making*, 16 FCC Rcd 4096 (2000), and *Memorandum Opinion and Order and Second Report and Order*, FCC 02-116 (released May 23, 2002).

In the above-referenced orders, the Commission allowed shared use of the 12 GHz band, which was previously devoted entirely to DBS satellite service, but under the new service rules may also be used for certain types of terrestrial service. In the course of establishing the rules, the Commission dismissed applications and requests for waivers that had been filed by Northpoint Technology, Ltd. ("Northpoint") to provide service under prior rules. Northpoint challenges those dismissals and also challenges the Commission's decision to assign terrestrial licenses through an auction. DIRECTV and EchoStar, incumbent DBS providers, challenge the Commission's decision to allow shared use of the 12 GHz band.

The Court has docketed these cases as Nos. 02-1234 and 02-1235 and consolidated them with *Northpoint Technology, Ltd., et al. v. FCC*, No. 02-1194. The attorney assigned to handle the litigation of these cases is Joel Marcus.